

## 04.00 RESIDENTIAL DISTRICTS

04.01 Except as provided in Section 07.00 hereof, no building or structure within Residential Districts shall be constructed and no building, structure or land or part thereof, shall be used for any purpose or in any manner other than for one or more of the uses hereinafter set forth. All land within Residential Districts may be used for any of the following uses, under the following regulations, provided that all uses not specifically permitted shall be considered to be prohibited.

## 04.02 Uses Permitted:

- .01 One (1) detached single family dwelling.
- .02 Religious or educational use.
- .03 Recreational or community use not for profit.
- .04 Use of a room or rooms in a dwelling for customary home occupations and recognized professions, during normal business hours only. Parking shall be provided as required in Section 07.00.
- .05 Accessory uses normally incidental to a permitted use, including one (1) only garage, but otherwise not including additional structures unless specifically stated in this Bylaw.
- .06 Only such removal of soil, sand, gravel or rock as is necessary for the erection, servicing or protection of a permitted use.
- .07 Renting of rooms to not more than three (3) persons, cumulative totals of all renting persons at all sites (properties) where there is a common property ownership interest.  
Note: In addition to the Section 04.03 requirement for a Special Permit, Chapter 140, Section 22, MGL, requires a

## 04.00 RESIDENTIAL DISTRICTS, continued

## 04.02 Uses Permitted, cont.

license to rent rooms to more than three persons.

- .08 Use of premises or building thereon in connection with one's trade by a resident carpenter, electrician, painter, plumber or other artisan, provided that no manufacturing or business requiring substantially continuous employment of more than one (1) person on the premises be carried on. No outside storage of material's connected with said business shall be permitted in Residential Districts.
- .09 One (1) only unregistered car or truck may be located ungaraged on a lot or set of contiguous lots in common ownership. Under no circumstances shall an unregistered car or truck be stored in the front yard.
- .10 A non-permanent pool less than two (2) feet deep and with surface area not in excess of two hundred and fifty (250) square feet.
- .11 A single, unlighted, non-commercial tennis court, provided that:
  - the tennis court shall be enclosed by a fence at least ten (10) feet high, but not higher than twelve (12) feet;
  - any portion of the enclosed fence above six (6) feet shall not be constructed so as to impede the flow of air or obstruct the transmission of light;
  - the minimum setback requirements specified in Schedule A under Accessory Structure are met.
- .12 Horticulture, floriculture, agriculture and roadside stands as provided in the following regulations:

## 04.00 RESIDENTIAL DISTRICTS, continued

## 04.02 Uses Permitted, cont.

In all Residential Districts

- Horticulture and floriculture, which includes the growing of flowers, fruits, vegetables, trees and shrubs.

In all Residential Districts R50 and R3A

- Agriculture, which includes the raising, and/or keeping, of common farm animals, provided that:

- such activity conforms to the rules, regulations and determinations of the Board of Health;

- the activity is wholly contained on land of not less than five (5) acres.

- Roadside stand for the display and retail sale of natural produce, whether or not cultivated, and/or agricultural products, when the predominant amount of such produce or product was raised or harvested on the same property provided that:

- the roadside stand, if it is not a building of conventional construction and exterior appearance, shall be screened from view from public ways, or removed, together with visible accessories, to a screened location whenever it is not in continuous weekly use;

- the roadside stand shall conform to the setback and frontage requirements of R50 as shown in Schedule A of this Bylaw;

- off-street parking shall be provided as required in Section 07.00 of this Bylaw.

- .13 Any municipal use under direct town control and on town owned property, where the use has been established prior to 1 January 1982; or thereafter authorized by town meeting vote.

## 04.00 RESIDENTIAL DISTRICTS, continued

## 04.02 Uses Permitted, cont.

Such uses include the related construction or expansion of structures and facilities where areas, set backs, heights and accesses conform to the Zoning District requirements for the district in which the site is located.

.01 Government or Public Utility structure.

.03 Private club building or golf course.

.04 The renting of rooms to more persons than permitted in section 04.02.

Note: In addition to a Special Permit, Chapter 140, Section 22, MGL, also requires a license from the Board of Selectmen. Notwithstanding any other requirement from the Zoning Board of Appeals, the house, property or premises shall be the owner's legal residence, owner occupied and owner operated.

Parking shall be provided as required in Section 07.07.04(A).

(Amend Section 04.03.04: April 30, 1997 - Acting on Article 13; Delete Section 04.03.02 (Commercial radio or television transmitting stations in Residential Districts): April 13, 1999 - Acting on Article 13; Amend Section 04.03.03: April 25, 2000 - Acting on Article 20)

.05 Kennels, raising of fowl and livestock, and stabling of horses.

.06 Gravel, loam, sand and stone removal. The Board of Appeals shall have the right to regulate the depth and extent of the removal and to require the screening of the property by any method such as a fence or planting if the operation is to continue for more than a year. The Board of Appeals shall have the right to require the excavations to be

## 04.00 RESIDENTIAL DISTRICTS, continued

04.03 Uses Requiring a Permit from the Board of Appeals,  
cont:

restored to a slightly condition after the use  
has been  
abandoned and require a bond to insure such  
restoration.

- .07 For Residential Districts - R10, R20, and R25:  
Roadside stand for the display and retail sale  
of produce, and/or horticultural products,  
whether or not cultivated; provided that the  
predominant amount of such produce, or product,  
was raised or harvested on the same property.

The Board of Appeals shall establish appropriate  
restrictions for each specific Permit. These  
restrictions shall include the requirement that when  
not used for display purposes, the roadside stand  
shall be removed from public view.

One (1) detached guest house, provided that:

## .08 PURPOSE

- a. provide homeowners with additional residential  
rental income to help them retain ownership of  
their homes
- b. provide an opportunity for family members who  
choose to live in a close proximity, but separate  
from other family members, to remain within that  
family environment
- c. provide for the health and security concerns of  
elder or disabled homeowners who wish to remain in  
their homes
- d. protect residential stability, property values,  
and the single family character of the  
neighborhoods
- e. no businesses shall be allowed in the guest house

## 04.00 RESIDENTIAL DISTRICTS, continued

04.03. Uses requiring a Permit from the Board of Appeals,  
continued

## REQUIREMENTS

- a. the lot area exceeds, by 25% or more, that required by Schedule A for a single-family dwelling
- b. the guest house is no larger than one-half (1/2) that of the principal structure on the same lot as determined by square footage with a maximum of 600 sq. ft. of living space for the R-10 Zone; a maximum of 800 sq. ft. for the R-20 Zone; a maximum of 800 sq. ft. of living space for the R-25 Zone; and a maximum of 800 sq. ft. of living space in the R-50 Zone. Maximum height in all zones will not be greater than twenty-four (24) ft. Any existing lot that contains an existing inhabited building that is the same size or smaller than the square footage herein previously prescribed, can be considered a change of use from a principle structure to a guest house, so that you could build a larger principle structure
- c. the guest house is so located that front yard setback requirements, side yard setback requirements, and rear yard setback requirements for a principal structure are met by it
- d. that the guest house is no closer to any principal structure in the R-10 District than ten (10) feet and all other Districts twenty (20) feet
- e. the guest house contains a single dwelling unit and either the guest house or the principal residence shall be occupied by the property owner or the property owner's immediate family
- f. the lot on which the guest house is situated is not in either the R3A or the Coastal District
- g. no more than one accessory unit shall exist on a lot. If there is an accessory unit or more than one residential unit already on the lot, no additional dwelling unit is allowed.

## 04.00 RESIDENTIAL DISTRICTS, continued

04.03. Uses requiring a Permit from the Board of Appeals,  
continued

## .08 Detached Guest House Requirements, cont.

- h. a minimum of one (1) parking space, not less than ten feet by twenty feet, shall be provided off-street for the occupants of the guest house. The parking spaces shall be located so as to minimize the visual impact from the street or abutting properties by a minimum landscaped area setback of ten (10) feet
- i. an owner of a single family residence and associated guest house violating this bylaw shall be liable for a fine of not more than \$300.00. Each day a violation continues constitutes a separate offense

(Amend Section 04.03.08: April 14, 1998 - Acting on Article 16)

.09 Two (2) unlighted, non-commercial tennis courts subject to the provisions of Section 04.02. The Board of Appeals shall impose conditions and restrictions in addition to those herein required.

.10 One (1) swimming pool, provided that:  
-the plans are submitted with the seal and signature of a qualified registered professional engineer;  
-the minimum setback requirements specified in Schedule A under Accessory Structures are met.

The Board of Appeals may impose conditions and restrictions in addition to those required above.

- .11 Mobile Home Parks in R10, as permitted under Chapter 140, Sections 32-32L, MGL, may be maintained provided they also conform to the following minimum standards:
- have a minimum area of ten (10) acres;
  - provide a minimum of three thousand (3000) square feet for each lot upon which each mobile home is placed with a separation of at least fifteen (15)

## 04.00 RESIDENTIAL DISTRICTS, continued

04.03. Uses requiring a Permit from the Board of Appeals,  
cont.

- feet from any other mobile home or structure;
- maintain a distance of at least two hundred (200) feet between any highway, public road or way on which the park fronts, and any mobile home or trailer;
- retain a buffer zone of at least sixty (60) feet between any home or trailer and the side and rear boundaries of the park. Such a buffer zone shall be primarily clear of obstruction except for trees or natural landscape materials. This zone shall not be used for any above ground structures;
- be so located that side and rear boundaries of the park are at least one hundred (100) feet from any existing house at the time this Bylaw becomes effective;
- the use of a mobile home park for the storage or parking of mobile homes or trailers for sale thereof is forbidden;
- the penalty for breach of any of the foregoing mobile home provisions shall not be in excess of \$50.00 for each day or any portion thereof during which a violation is permitted to exist. Each such violation shall constitute a separate offense.

## .12 Multiple Dwelling Units and Structures:

Two (2) or three (3) dwelling units (including apartments) and/or two (2) dwelling structures one (1) lot, whether to be accomplished by new construction, modification or use; and, which results in increased occupancy capacity or wastewater generating capacity. The Zoning Board of Appeals may grant Special Permits for applications coming within this description, provided:

## 04.00 RESIDENTIAL DISTRICTS, continued

## 04.03. Uses requiring a Permit from the Board of Appeals, cont.

- the requirements of Schedule A (section 13.00), including setbacks between buildings, are met;
- the lot area is not less than the minimum lot area requirement in Schedule A (section 13.00) for the district multiplied by the number of dwelling units, except as set forth in section 08.00 ('Cluster Developments');
- there are no more than two (2) septic systems per lot, nor more than two dwelling units connected to one (1) septic system;
- each dwelling unit shall be provided with a minimum of one (1) vehicular parking space, so arranged as to permit turning vehicles around and precluding the necessity of backing onto a public way;
- each dwelling unit shall have a discrete yard space designated for its use;
- no construction or business materials shall be kept on the premises;
- no commercial vehicles, other than one (1) pickup truck or van per dwelling unit, shall be kept on the premises;
- no inoperative or unregistered vehicle shall be kept on the premises;
- at least one (1) dwelling structure shall front on a public way; each dwelling structure which fronts on a public way shall have the frontage required by Schedule A (section 13.00);
- for dwelling structures which do not front on a public way there shall be an additional access frontage of forty (40) feet in the R50 District and thirty (30) feet in the R10, R20, and R25 Districts; said access widths shall extend and be arranged so as to serve all dwelling structures and parking areas on the premises; and, shall be designed to accommodate emergency vehicles (e.g. fire,

## 04.00 RESIDENTIAL DISTRICTS, continued

04.03. Uses requiring a Permit from the Board of Appeals,  
continued

## .12 Multiple Dwelling Units and Structures, cont

- police, ambulance); and,
- where a building permit would be required to construct, enlarge or modify a dwelling unit or dwelling structure and/or where it is proposed to increase wastewater generating capacity, all of the definition requirements of Section 02.00 ('Multi-family Dwelling') shall be incorporated.

In deliberating upon applications made under this Section 04.03.12, the Zoning Board of Appeals considerations shall include, but are not limited to:

- health, safety and traffic impacts;
- overcrowding and congestion;
- preservation of open spaces and scenic values;
- protection of natural resources;
- compatibility of proposed uses and structure(s) with the neighborhood;
- evidence of a documented and existent (as opposed to speculative) housing needs by the residents of Tisbury; and
- conformity with public policy (e.g. addressing a documented and existent requirement for low or moderate income housing for the residents of Tisbury).

The Zoning Board of Appeals shall not grant a Special Permit under this Section 04.03.12, unless it has found good and sufficient evidence that the plan is appropriate to the intent and purposes of the Zoning Bylaws.

Single dwelling unit guest houses which are solely for the use of the property owner's immediate family and short term non-paying guests are excluded from the requirements of this Section 04.03.12, but require authorization under Section 04.03.08.

04.00 RESIDENTIAL DISTRICTS, continued

04.03. Uses requiring a Permit from the Board of Appeals,  
cont

Amend Section 04.03.12: April 14, 1998 - Acting on Article 17)

.13 Accessory Apartment

(Adopted Section 04.03.13: April 14, 15, and 22,  
1992 - Acting on Article 40)

Definition:

An accessory apartment is an incidental use, a separate housekeeping unit complete with its own sleeping, cooking, and sanitary facilities, which is contained within or added to a single family dwelling structure.

Purpose and Intent:

The purposes of this Bylaw are to:

1. Provide rental housing for family members and seniors within the architectural context of the Town's single family home character.
2. Provide an opportunity for family members who choose to live in a close proximity, but separate from other family members, to remain within that family environment.
3. Provide for the health and security concerns of elder or disabled homeowners who wish to remain in their homes.
4. Provide homeowners with additional income to help them retain ownership of their homes.
5. Protect residential stability, property values, and the single family character of the neighborhoods.
6. Make it possible for the Town to supervise and monitor such additions for code compliance and safety.

## 04.00 RESIDENTIAL DISTRICTS, continued

04.03. Uses requiring a Permit from the Board of Appeals,  
continued

## .13 Accessory Apartment, continued:

## Conditions:

Notwithstanding the provisions of Section 04.03.12 of this Bylaw, one accessory dwelling unit is permitted

in an otherwise single family residential dwelling pursuant to a special permit issued under the provisions of Section 04.03.13 and provided that:

- (a) The lot on which the accessory unit is situated is not in either the R3A or the Coastal District.
- (b) No more than one(1) accessory unit shall exist on a lot. If a guesthouse or residential unit exists on the lot, no additional accessory dwelling unit shall be allowed.
- (c) The accessory dwelling unit shall measure no more than forty (40) percent of the existing habitable area not to exceed six- hundred (600) square feet in all residential\_districts\_. At no time shall either dwelling unit be made a condominium and held in separate ownership. The appearance of the building shall remain that of a single-family residence in keeping with the character of the neighborhood.
- (d) The owner of the lot, who must be a resident of the Town, shall occupy either the accessory unit or principal residence.
- (e) The accessory unit and the principal residence shall each have two means of egress to grade and meet all other applicable regulatory requirements.
- (f) There shall be a minimum of one parking space to accommodate the accessory apartment, not less than ten feet by twenty feet. The space(s) shall

## 04.00 RESIDENTIAL DISTRICTS, continued

04.03. Uses requiring a Permit from the Board of Appeals,  
cont

## .13 Accessory Apartment, cont

be located so as to minimize the visual impact from the street or abutting properties by a minimum landscaped area setback of ten feet.

## PENALTY

An owner of a single family residence and associated accessory apartment violating this Bylaw shall be liable for a fine of not more than \$300.00. Each day a violation continues constitutes a separate offense.

An owner who voluntarily brings his or her premises into compliance within five (5) years from the adoption of this Bylaw shall not be subject to this penalty.

(Amend Section 04.03.13: April 14, 1998 - Acting on Article 18 and on April 6, 2010, acting on Article 13)

## 04.04 Uses Requiring a Permit from the Planning Board

.01 Cluster Developments as hereinafter defined in  
Section 08.00

.02 Multiple Dwelling Units and Structures:  
More than three(3) dwelling units (including apartments) and/or more than two (2) dwelling structures on one (1) lot, inclusive of new construction and modification which results increase occupancy capacity (e.g. additional or enlarged bedrooms) or additional (including enlarged capacity) wastewater generating devices. The Planning Board may grant Special Permits for applications coming within this description, provided:

- excepting low/moderate income housing and/or housing for the elderly, there are no more

## 04.0 RESIDENTIAL DISTRICTS, continued

04.04 Uses Requiring a Permit from the Planning Board,  
cont.

## .02 Multiple Dwelling Units and Structures, cont.

- than eight (8) dwelling units and/or four (4) dwelling structures (including guest houses);
- all of the conditional provisions of Section 04.03.12 are met, except that the two (2) septic systems per lot and two (2) dwellings per septic system restriction shall not apply if the Board of Health approves an on-site 'package treatment facility' for all on-site generated wastewater; and,
  - multiple dwelling units and/or structures shall not be sited on lots any portion of which lies below the fifteen (15) foot elevation contour line running along and inland of Lake Tashmoo, Vineyard Sound, Vineyard Haven Harbor and Lagoon Pond.

In deliberating upon applications made under this Section 04.04.02, the Planning Board considerations shall include, but are not limited to, all of the considerations set forth in Section 04.03.12. Further, the Planning Board shall give particular consideration to consistency with master planning policies and impacts upon municipal problems and projects.

The Planning Board shall not grant a Special Permit under this Section 04.04.02 unless it has found good and sufficient evidence that the plan is appropriate to the intent and purposes of the Zoning Bylaws, does not conflict with master planning policies, will not significantly aggravate an identified municipal problem(s) or impede municipal projects.

Note: The provisions of Section 07.11 are applicable this Section 04.04.02.

## 04.00 RESIDENTIAL DISTRICTS, continued

04.05 Residential District 3A (Map Symbol R3A):  
The Zoning Bylaw provisions applying to Residential District R50 shall also apply to Residential District R3A; where there is a conflict, the more restrictive provisions hereafter set forth, shall apply to R3A.

.01 Minimum Lot Area and Dimensions:

Area	3 Acres
Depth	200 Feet
Frontage	200 Feet

.02 Setbacks (Principal and Subsidiary Structures):

Front	50 Feet
Side	50 Feet
Rear	50 Feet
Between Structures	50 Feet

.03 Maximum Building Heights:

From 21 to 35 feet in accordance with the table appearing in section 09.00 (Tisbury Island Road Districts).

.04 Maximum Number and Type of Non-farm Buildings:  
One (1) only single family dwelling structure containing not more than five (5) bedrooms.

One (1) non-habitation detached subsidiary structure (e.g. garage, greenhouse, barn, etc.) with a total floor area not to exceed one-half (1/2) the total floor area of the principal structure.

.05 Definition: 'Well Site Reference Line'

For the purpose of the R3A District, a 'well site reference line' is a straight line bearing 310 degrees true (130 degrees reciprocal) which goes through the center of a designated public water supply well site and extends, in both directions, to the boundaries of the district. The line is a selected representation of a typical perpendicular to the average direction

## 04.00 RESIDENTIAL DISTRICTS, continued

## 04.05. Residential District 3A (Map Symbol R3A), cont

of ground water flow in the principal R3A aquifer area.

- .06 Wastewater Disposal Systems: (specific systems)  
There shall be no more than one wastewater disposal system per lot.

Wastewater disposal systems which are west of the 'well site reference line' for a designated public water supply well site shall be at least 1500 feet distant from the designated well site.

- .06 Wastewater Disposal Systems, con:

Wastewater disposal systems which are east of the 'well site reference line' for a designated public water supply well site shall be at least 900 feet distant from the designated well site.

Nothing in this section shall be taken as limiting the authority of the Board of Health to require greater separation distances in specific cases.

- .07 Water Supply Wells:  
No private water supply shall be located on any lot for which connection to the public water system is available.

Private water supply wells which are west of the 'well site reference line' for a designated public water supply well site shall be at least 1800 feet from the designated well site.

Private water supply wells which are east of the 'well site reference line' for a designated public water supply well site shall be at least 700 feet from the designated well site.

There shall be no more than one (1) private water supply well per lot. The pumping

## 04.00 RESIDENTIAL DISTRICTS, continued

## 04.05. Residential District 3A (Map Symbol R3A), cont

capacity of water supply well systems shall not exceed ten (10) gallons per minute peak. This provision shall not be applicable to farms meeting the description of farm in section 04.05.09.

Nothing in this section shall be taken as limiting the authority of the Board of Health to require greater separation distances in specific cases; further, the Board of Health shall determine the minimum separation distances between wastewater disposal systems and water supply wells.

- .08 Waste Disposal and Other Collections:  
There shall be no private waste disposal or salvage collection sites of any kind, except the Board of Health may authorize certain small agricultural type composting facilities, provided the site for such facilities is at least as distant from a designated public water well site as is required for wastewater disposal systems in section 04.05.06

Heavy metals (e.g. tin, lead, zinc, etc.), unregistered (if design intended use would require registration) inoperative motor vehicles, and commercial vehicles (excluding vehicles used in connection with farming and pickup trucks and vans) shall not be stored or kept on any lot in the R3A District.

- .09 Hazardous Chemical Substances:  
Definition: 'Hazardous Chemical Substances' means any chemical substance hazardous to human health and/or the environment in the usually available volumes or concentrations or in low concentrations; the term 'Hazardous Chemical Substance' is also inclusive of all substances which the state or federal government has designated as 'hazardous', 'toxic', or 'no discharge'.

04.00 RESIDENTIAL DISTRICTS, continued

04.05. Residential District 3A (Map Symbol R3A), cont.

.09 Hazardous Chemical Substances, cont:

The exclusions and prohibitions in this section 04.05.09 shall not apply to farm chemicals where state law permits farm use, provided:

- the farm is dedicated and registered;
- the farm comprises five (5) or more acres;
- the farm is subject to and in compliance with Massachusetts General Laws Chapter 111F (Hazardous Substances), 132B (Pesticides), and 214, section 7A (Damage to the Environment) and State 'Right-to-Know' Codes 105 CMR 670.000, 310 CMR 33.00, and 441 CMR 21.00; and,
- use or storage is at least 1500 feet distant from a public water supply well site.

Note: These provisions are minimums and do not preclude further regulation by the Board of Health.

No fertilizers shall be stored or used without a permit from the Board of Health. Permits shall not be granted for storage or use closer to a designated public water supply well site than the minimum separation distances set forth in section 04.05.06.

No herbicides, defoliants, or insecticides (types prepared for outdoor use) shall be transported (into or through), stored, possessed or used in the R3A District.

Road salts (e.g. calcium chloride, sodium chloride, etc.) and petroleum oils shall not be applied to the land surface or roads, nor shall more than twenty-five (25) pounds of any types of 'rough' salt (including road salts) be stored on any lot. Storage of permitted quantities shall be arranged so as to prevent the salt from leaching into the ground.

## 04.00 RESIDENTIAL DISTRICTS, continued

## 04.04 Residential District 3A (Map Symbol R3A), cont.

## .09 Hazardous Chemical Substances, cont:

The storage, possession or use of any hazardous chemical substance classified as 'toxic' or 'no discharge', other than common household substances in volumes and concentrations not to exceed six (6) gallons, is prohibited.

## .10 Fuel Storage

No fuel storage tank or container shall have a capacity greater than 500 gallons nor be located closer to a designated public water supply well site than the minimum separation distances set forth in Section 04.05.06 for wastewater disposal systems.

On any lot, fuel storage tanks and containers shall not have a collective capacity, all storage tanks and containers and all liquid or gaseous fuels combined, greater than 500 gallons.

Exclusion: The integral component fuel tanks of vehicles and machinery, provided the tanks are:

- not in contact with the ground;
- arranged so that leakage would be readily detected;
- in conformity with the vehicle or machinery manufacturer's specifications; and,
- of a capacity, per vehicle or machinery unit, less than 60 gallons.

All fuel storage tanks or containers shall be located above ground.

All fuel tanks or containers, excepting those for vehicles and machinery as described in the above 'exclusion', which have a capacity greater than ten (10) gallons, shall be mounted inside of an impervious concrete vault of

## 04.00 RESIDENTIAL DISTRICTS, continued

## 04.05 Residential District 3A (Map Symbol R3A), continued

## .10 Fuel Storage, cont.:

sufficient size and strength to contain the entire capacity of the fuel tank or container.

## .11 Topsoil, Sand and Gravel:

No topsoil shall be removed or disturbed until all permits or authorizations required for the intended purpose have been granted.

Private sand, gravel or topsoil mining, including any form of 'borrow pit' operation, is prohibited.

## 04.06 Regulation:

.01 Lot size, setbacks and height shall conform to the requirements set forth in Schedule A of this Bylaw.

## 04.07 Rate-of-Development:

.01 Construction shall not be begun on dwelling structures located within areas of land subject to the jurisdiction of the Planning Board under this Bylaw and Chapters 40A (re: Chapter 808 of the Acts of 1975) and 41, MGL, (including, but not limited to, subdivisions, cluster developments and multi-unit dwellings) at a rate greater than that permitted in the following provisions:

- Subdivisions containing sufficient area to provide more than ten (10) building lots at the maximum intensity permitted under the Zoning Bylaw shall begin construction of the dwelling structures at a rate not greater than one-tenth (1/10) of the total number of lots shown on an approved, definitive subdivision, plan each calendar year;
- Subdivisions containing sufficient area to provide ten (10) building lots or less at the

## 04.00 RESIDENTIAL DISTRICTS, continued

## 04.07 Rate-of-Development, continued:

maximum intensity permitted under the Zoning Bylaw shall be developed by construction of dwelling structures at a rate of not more than one (1) additional dwelling structure per calendar year.

- .02 The rate-of-development provisions set forth above shall also apply to any valid subdivision plan which was properly recorded by the

Registry of Deeds prior to the effective date of Subdivision Control in the Town of Tisbury if no construction was begun during the five year period immediately preceding the effective date of this Bylaw and no building or construction permits, or applications for building or construction permits, were outstanding when this Bylaw became effective.

- .03 Building and construction permits shall only be issued when the number of permits, and/or the time interval between permits is in conformity with the rate-of-development provisions of this Bylaw.

- .04 Before any application is made for a building or construction permit applicable to a subdivision, or a lot in a subdivision is offered for sale, the owner(s) of the property shall cause to be recorded, under the same grant or index name as the development plan, with the Registry of Deeds, a rate-of-development schedule conforming to the provisions of this Bylaw. Said schedule shall identify the calendar year when a lot or lots become eligible under this Bylaw for building or construction permits. A copy of the recorded schedule shall be furnished to the Zoning Inspector and a copy shall accompany each application for a building or construction permit.

## 04.00 RESIDENTIAL DISTRICTS, continued

## 04.07 Rate-of-Development, continued

(Amend Section 04.07.04: April 13, 20 and 26, 1993  
- Acting on Article 44)

At the expiration of a rate-of-development schedule, the Zoning Inspector shall create a new rate of development schedule for the next calendar year indicating the remaining undeveloped lots in the order that they appeared in the original rate-of-development schedule.

## .05 Exemptions

The Planning Board may grant a Special Permit allowing a greater rate-of-development than that set forth in the preceding provisions when it has been determined that one (1) or more of the following considerations are sufficiently unique within the plan so as to reduce the impact upon the town in assimilating additional dwelling structures:

- reduction of density;
- provision for housing for low income or elderly persons;
- health and safety provisions;
- minimization of traffic congestion;
- prevention of overcrowding and congestion;
- arrangements which would tend to reduce, or minimize, Town service costs;
- protection of natural resources.

When the approved plan for development contains ten (10) or more building lots, a Special Permit authorizing an increase in the rate-of-development shall not allow construction to begin on more than 20% of the buildable lots in any calendar year.

When the approved plan for development contains less than ten(10) buildable lots, a Special Permit authorizing an increase in the rate-of-development shall not allow constriction to begin on more than two (2) of the buildable lots in any calendar year.

04.00 RESIDENTIAL DISTRICTS, continued

04.07 Rate-of-Development, continued

When the approved plan for development is to be devoted entirely to not-for-profit housing for the elderly, not-for-profit low or moderate income housing or similar not-for-profit housing in furtherance of public policy, the Special Permit may exempt such housing from part, or all, of the requirements for rate-of-development schedules, provided the developer is a non-profit corporation.